

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: 15.p.

Meeting Type: Regular

Meeting Date: Jun 11, 2015

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Condemnation proceedings for Greenbrier Parkway Project.

Exact Wording for the Agenda:

Resolution authorizing condemnation proceedings to obtain fee simple title to certain parcels of property for the Greenbrier Parkway Phase III-C Project.

**Note: If amendment, Please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: \_\_\_\_\_

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head:  \_\_\_\_\_

Date: Jun 8, 2015

RESOLUTION NO. 15-\_\_\_\_\_

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn fee simple title in and to the following described parcels of land, viz:

See Exhibits "A-1" through "D-2" which are attached hereto and incorporated herein, a copy of each being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A tax map for each parcel follows the parcel description(s) for each respective tract.

2. That the obtainment of the foregoing properties is necessary for the Greenbrier Parkway Phase III-C Project, Project No. 65-13-RD02, which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville be, and he is hereby, authorized, empowered and directed to cause the above described properties to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for their respective taking.

4. That the Mayor of the City of Huntsville be, and he is further, authorized, empowered and directed to attempt to acquire the above described properties for the City for the aforesaid purpose at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. That in case of failure to acquire any of the said properties for the purpose aforesaid by voluntary purchase from the owner or owners thereof, the Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Wilmer & Lee, P.A., to file a condemnation action and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of such property(ies) by the exercise of the right of eminent domain.

6. Any prior acts taken by the administration toward the acquisition of the properties pursuant to the eminent domain code are hereby ratified and affirmed.

ADOPTED this the 11th day of June, 2015.

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President of the City Council  
City of Huntsville, Alabama

APPROVED this the 11th day of June, 2015.

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Tommy Battle  
Mayor of the City of Huntsville,  
Alabama

Exhibit "A-1"  
Janice V. Greene  
6774 Greenbrier Road  
17 08 34 0 000 002.000

All that part of the Southwest Quarter of the Northwest Quarter of Section 34, Township 4 South Range 3 West of the Huntsville Meridian, more particularly described as beginning at a point that is North 02 degrees 45 minutes 30 seconds West 157.50 feet and North 87 degrees 14 minutes 30 seconds East 35.00 feet from the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 34, Township 4 South, Range 3 West. Said point is further described as being on the East margin of a public road; thence continuing North 87 degrees 14 minutes 30 seconds East 290.40 feet; thence South 02 degrees 45 minutes 30 seconds East 150.00 feet; thence South 87 degrees 14 minutes 30 seconds West 290.40 feet to a point on the east margin of a public road; thence North 02 degrees 45 minutes 30 seconds West along the East margin of said public road 150.00 feet to the point of true beginning. Said land lying and being in Limestone County, Alabama, and containing 1.0 acres, more or less.

Exhibit "A-2"  
Janice V. Greene  
6774 Greenbrier Road  
17 08 34 0 000 002.000

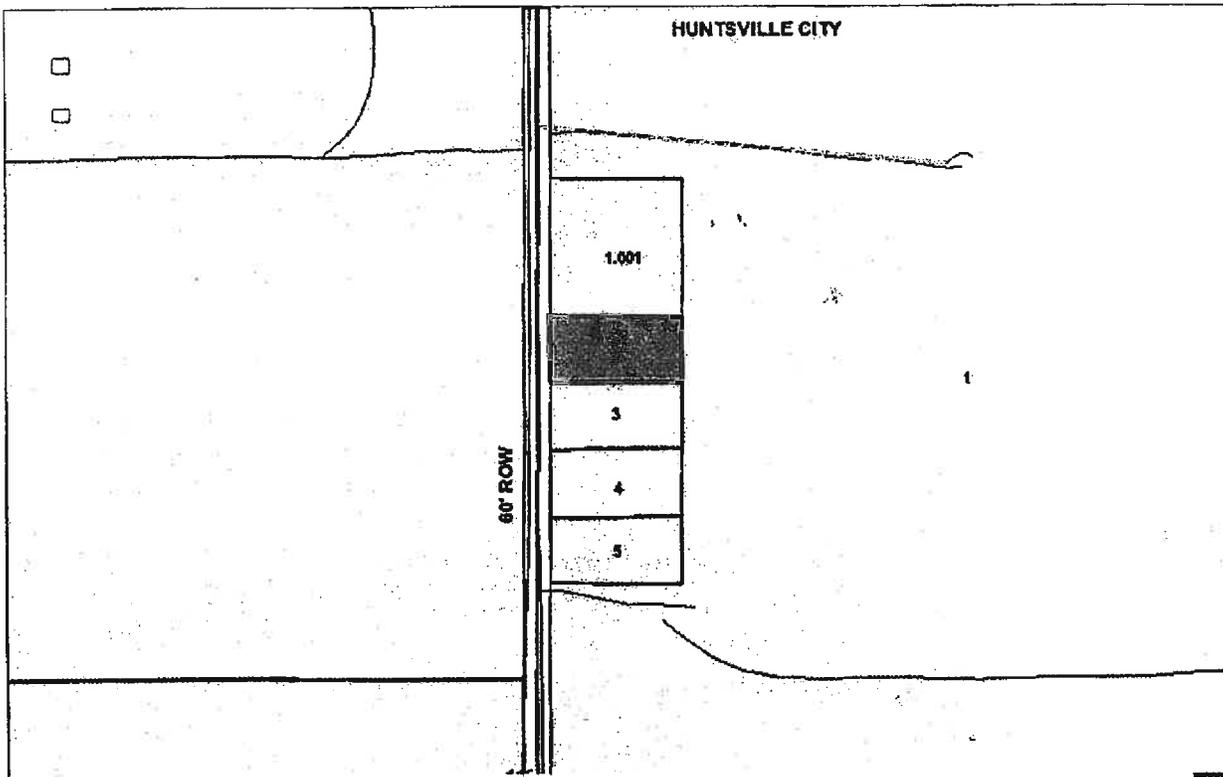


Exhibit "B-1"  
Daly Family Trust  
6742 Greenbrier Road  
17 08 34 0 000 003.000

All that part of the Southwest Quarter of the Northwest Quarter of Section 34, Township 4 South, Range 3 West of the Huntsville Meridian, being more particularly described as beginning at a point that is North 02 degrees 45' 30" West 7.50 feet and North 87 degrees 14' 30" East 35.00 feet from the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 34, Township 4 South, Range 3 West. Said point is further described as being on the East margin of a public road, thence continuing North 87 degrees 14' 30" East 290.40 feet, thence South 02 degrees 45' 30" East 150.00 feet, thence South 87 degrees 14' 30" West 290.40 feet to a point on the East margin of a public road, thence North 02 degrees 45' 30" West along the East margin of said public road 150.00 feet to the point of true beginning. Said land lying and being in Limestone County, Alabama, and containing 1.0 acres, more or less.

Exhibit "B-2"  
Daly Family Trust  
6742 Greenbrier Road  
17 08 34 0 000 003.000

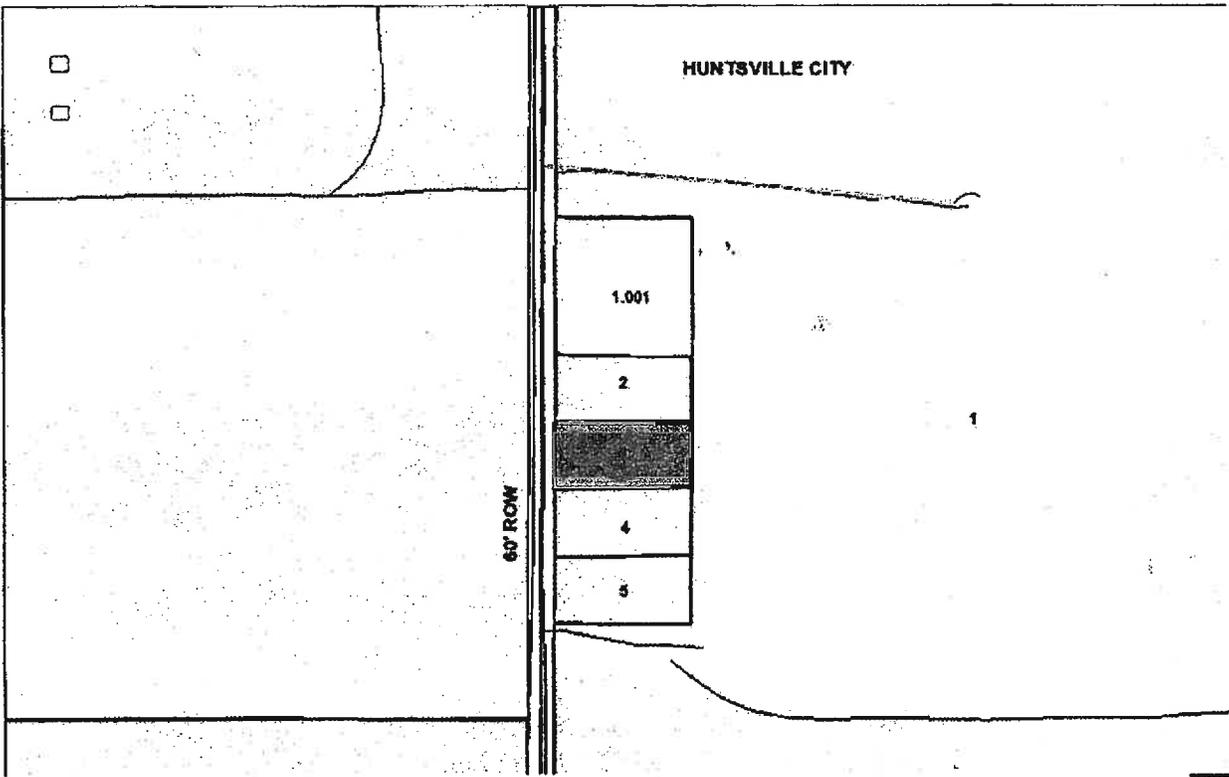


Exhibit "C-1"  
Roger Kersch  
6716 Greenbrier Road  
17 08 34 0 000 004.000

ALL THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 3 WEST, OF THE HUNTSVILLE MERIDIAN. MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT THAT IS SOUTH 02 DEGREES 45 MINUTES 30 SECONDS EAST 142.5 FEET AND NORTH 87 DEGREES 14 MINUTES 30 SECONDS EAST 35 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 3 WEST. SAID POINT BEING FURTHER DESCRIBED AS BEING ON THE EAST MARGIN OF A PUBLIC ROAD, THENCE CONTINUING NORTH 87 DEGREES 14 MINUTES 30 SECONDS EAST 290.4 FEET, THENCE SOUTH 02 DEGREES 45 MINUTES 30 SECONDS EAST 150.0 FEET, THENCE SOUTH 87 DEGREES 14 MINUTES 30 SECONDS WEST 290.4 FEET TO A POINT ON THE EAST MARGIN OF A PUBLIC ROAD, THENCE NORTH 02 DEGREES 45 MINUTES 30 SECONDS WEST ALONG THE EAST MARGIN OF SAID PUBLIC ROAD 150.0 FEET TO THE POINT OF TRUE BEGINNING. SAID LAND LYING AND BEING IN LIMESTONE COUNTY, ALABAMA, AND CONTAINING 1.0 ACRES, MORE OR LESS.

Exhibit "C-2"  
Roger Kersch  
6716 Greenbrier Road  
17 08 34 0 000 004.000

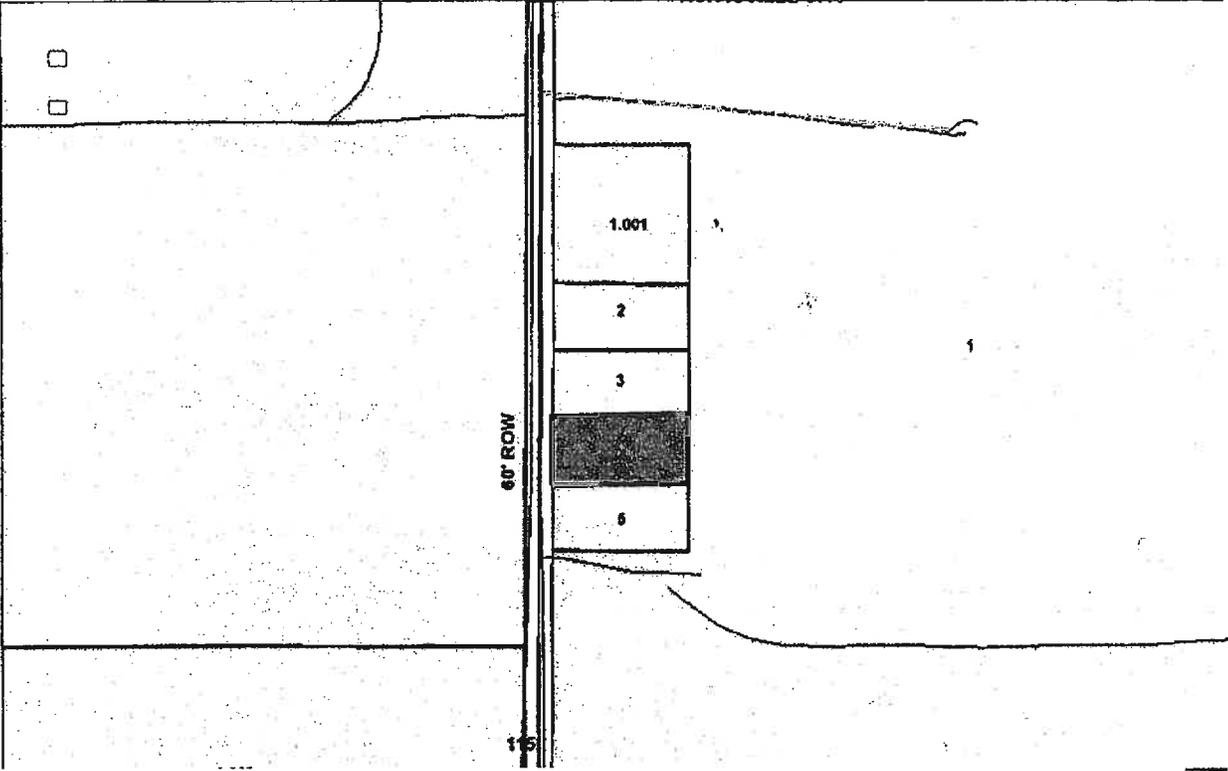


Exhibit "D-1"  
Frank Montgomery  
6688 Greenbrier Road  
17 08 34 0 000 005.000

All that part of the SW 1/4-NW 1/4 of Section 34, Township 4 South, Range 3 West of the Huntsville Meridian, more particularly described as beginning of a point that is South 02 degrees 45 minutes 30 seconds East 292.5 feet and North 87 degrees 14 minutes 30 seconds East 35.0 feet from the Northwest corner of said SW 1/4-NW 1/4 of Section 34, Township 4 South, Range 3 West. Said point is further described as being on the East margin of a public road; thence continuing North 87 degrees 14 minutes 30 seconds East 150.0 feet; thence South 87 degrees 14 minutes 30 seconds West 290.40 feet to a point on the East margin of the above said public road; thence North 02 degrees 45 minutes 30 seconds West along the East margin of said public road 150.0 feet to the point of true beginning.

Exhibit "D-2"  
Frank Montgomery  
6688 Greenbrier Road  
17 08 34 0 000 005.000

